



**ROANOKE CITY COUNCIL  
ROANOKE CITY SCHOOL BOARD  
MONDAY, AUGUST 15, 2005**

**12:00 P.M.**

**ROANOKE ACADEMY FOR MATHEMATICS AND  
SCIENCE ELEMENTARY SCHOOL CAFETORIUM  
1616 19<sup>th</sup> Street, N. W.**

**AGENDA**

- 1. Call to Order–Roll Call**
  - City Council
  - School Board
- 2. Welcome and Opening Remarks.** Vice-Mayor Fitzpatrick  
Chair Stockburger
- 3. Update on Adequate Yearly Progress and Student Achievement**  
from Superintendent of Schools, Marvin T. Thompson, and  
Members of his Executive Team.
- 4. School Board Items:**
  - Update on Current Board Work
  - Joint Meeting Schedule for 2005–2006
  - Joint Council/Board Retreat

**5. School Board Inquiries:**

- Update regarding preparation of Victory Stadium for high school football.

**6. Council Inquiries:**

- School Capital Construction Plans Update
- School Safety Progress Report
- Foundation Update

**7. Comments by Council Members/School Trustees.**

THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



*Dowe*  
**37144-081505**

**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**AUGUST 15, 2005  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call. Mayor Harris was absent.**

The Invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Beverly T. Fitzpatrick, Jr.

Welcome. Vice-Mayor Fitzpatrick.

**NOTICE:**

Today's Council meeting will be replayed on Channel 3 on Thursday, August 18, 2005, at 7:00 p.m., and Saturday, August 20, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

Proclamation declaring Friday, August 26, 2005, as Hokie Pride Day.  
**File #3**

3.

## **CONSENT AGENDA**

**Approved (6-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

C-1 Minutes of the regular meetings of Council held on Monday, June 20, 2005, and Tuesday, July 5, 2005.

**RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.**

C-2 A communication from Vice-Mayor Beverly T. Fitzpatrick, Jr., requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.**

**File #110-132**

C-3 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.**

**File #2-132**

C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.**

**File #2-132**

- C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the award of a public contract involving expenditure of public funds and discussion of terms or scope of such contract, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.  
**RECOMMENDED ACTION: Concur in the request.**  
**File #132**
- C-6 A communication from the City Clerk advising of the resignation of Mark C. McConnel as a member of the Roanoke Arts Commission.  
**RECOMMENDED ACTION: Accept the resignation and receive File #110-230 and file the communication.**
- C-7 Annual report of activities of the Board of Trustees, City of Roanoke Pension Plan, for the period July 1, 2004 through June 30, 2005.  
**RECOMMENDED ACTION: Receive and file.**  
**File #109-429**
- C-8 Qualification of the following persons:
- Anne E. Caldwell to fill the unexpired term of Samuel G. Oakey, III, ending June 30, 2006, and Susan Koch for a term ending June 30, 2008, as members of the Roanoke Public Library Board;
- Martha P. Franklin as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2008;
- Steven Higgs as a member of the Mill Mountain Advisory Committee, for a term ending June 30, 2008;
- Robin Murphy-Kelso as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2008;
- Thomas W. Ruff as a member of the Towing Advisory Board, for a term ending June 30, 2006; and



**Council Member Dowe requested that Council be informed of the response by local radio/television stations with regard to broadcasting/televising fair housing public service announcements.**

**The City Manager/City Attorney were requested to provide Council with a status report on fair housing cases that are currently pending in the Federal court system.  
File #83-178-227**

**ITEMS RECOMMENDED FOR ACTION:**

1. Appropriation of grant funds to be used for a temporary employee in connection with the document scanning project in the Office of the Clerk of the Circuit Court.  
**Adopted Budget Ordinance No. 37144-081505. (6-0)  
File #60-214-236**
2. Acceptance of Multi-Jurisdictional Special Drug Prosecutor grant funds from the Compensation Board, in the amount of \$91,494.00.  
**Adopted Budget Ordinance No. 37145-081505 and  
Resolution No. 37146-081505. (6-0)  
File #60-133-236**
3. Acceptance of the State Homeland Security Program Grant from the Virginia Department of Emergency Management; and appropriation of funds.  
**Adopted Budget Ordinance No. 37147-081505 and  
Resolution No. 37148-081505. (6-0)  
File #60-188-236**
4. Acceptance of the DFP Computer Services Grant from the Virginia Department of Fire Programs; and appropriation of funds.  
**Adopted Budget Ordinance No. 37149-081505 and  
Resolution No. 37150-081505. (6-0)  
File #60-70-236**



5. Amendment of the City Code to provide stormwater discharge requirements, in order to comply with the Virginia Pollutant Discharge Elimination System Permit.

**Adopted Ordinance No. 37151-081505. (6-0)**  
**File #24-27-468**

b. CITY ATTORNEY:

1. Amendment of Ordinance No. 36226-020303, adopted on February 3, 2003, to allow additional time for the Roanoke Redevelopment and Housing Authority to prepare and record a plat of subdivision in connection with development of the Fifth Street Gateway Project.

**Adopted Ordinance No. 37152-081505. (6-0)**  
**File #514**

c. DIRECTOR OF FINANCE:

1. Amendment of the City Code authorizing the City Treasurer to reduce or to waive interest and penalty payments under certain circumstances.

**Adopted Ordinance No. 37153-081505. (6-0)**  
**File #24-34-79**

## **7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board for adoption of resolutions indicating that the City will participate in the 2005 Interest Rate Subsidy Program Bond Issue, in connection with Fallon Park Elementary School and Westside Elementary School projects; and that Council authorize a public hearing to be held on Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Resolution No. 37154-081505 and Resolution No. 37155-081505. (6-0)**  
**File #53-467**

- b. Request of the Roanoke City School Board for appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Budget Ordinance No. 37156-081505. (6-0)  
File #60-467**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Vice-Mayor and Members of City Council.

**Council Member Dowe commented on the level of excitement and encouragement that prevailed at a joint meeting of Council and the School Board at 12:00 noon. He commended the new Superintendent of Schools, Marvin Thompson, who has assumed his responsibilities with a renewed vigor and refined focus as he relates to his administration.**

**Council Member Dowe called attention to the resignation of Dr. Gloria P. Manns as a Trustee of the Roanoke City School Board, effective at the close of the August 15 joint meeting of Council and the School Board and expressed appreciation to Dr. Manns for her years of service to the City of Roanoke.  
File #80-110-467**

**Council Member Cutler noted that the City's multicultural initiative is making progress and commended City employees who have volunteered to serve in language resource capacities in order to meet the needs of the City's growing multicultural population.**

**File #184**

**Council Member Wishneff concurred in the remarks of Council Member Dowe with regard to the joint meeting of Council and the School Board and commended the zeal and focus by the new Superintendent of Schools on school achievement. He encouraged those parents who have taken their children out of Roanoke City Public Schools to reconsider Roanoke's school system.**

**File #132-467**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Les Stennett, 3531 Peters Creek Road, N. W., addressed the growing problem of government assisted housing, public housing and low income housing. He expressed concern that approximately 27 government assisted housing communities currently exist in the City of Roanoke and it is proposed to construct additional low income housing in northwest Roanoke City on the Countryside Golf Course property.**

**The Vice-Mayor clarified that the City's goal is not to construct additional low income housing and although a precise use of the Countryside Golf Course property has not been determined, Members of Council have unanimously stated that the property will not be used for low income housing.**

**File #2-132-178**

**Zoe Stennett, 3531 Peters Creek Road, N. W., spoke in support of the services provided to Roanoke's citizens by the Fire and Police Departments and the need for an adequate pay scale for public safety employees. She called attention to low morale in the Fire Department with promotions that are based on the "buddy system" and not on qualifications and unfair treatment of employees by supervisory staff. She stated that the Chief of Police should be placed on administrative leave until an alleged domestic violence incident has been resolved through the legal system.**

**File #5-18-66-70**

**Helen E. Davis, 35 Patton Avenue, N. E., advised that closing or razing fire stations is a serious and potentially dangerous matter; therefore, many citizens do not have faith in the proposed Fire/Emergency Medical Services Plan advocated by the City Manager and the Fire Chief. She presented copy of a communication from Adam K.Thiel, Executive Director, Virginia Department of Fire Programs, with regard to the proposed closure of five Roanoke fire stations. She requested a written definition of Roanoke's Central Business District and its borders.**

**File #70**

**Robert E. Gravely, 727 29th Street, N. W., expressed concern with regard to the pay scale for the average City employee which is below the poverty rate. He stated that wages should be increased so that the average City employee can afford to purchase a house; and, in addition to public safety employees, other City employees work under unsafe and undesirable conditions in order to maintain City property.**

**File#18-166-183-184**

## **12. CITY MANAGER COMMENTS:**

**The City Manager advised that many public service employees work in undesirable situations and the City of Roanoke has a dedicated group of employees whose lives are sometimes at risk while fulfilling their responsibilities.**

**The City Manager encouraged citizens to attend the Mayor's State of the City Address which will be held on Thursday, August 25, 2005, at 7:30 a.m., at the Roanoke Academy for Mathematics and Science Elementary School Cafetorium, 1616 9th Street, N. W.**

**The City Manager commended Council on its efforts to address housing disparities in the City of Roanoke. She advised that Roanoke is ranked as one of the most segregated communities in Virginia and the City is looking for ways to decrease segregation, to deconcentrate poverty, to increase home ownership, and to increase the amount of market rate housing. She stated that the Countryside Golf Course property offers a unique opportunity to construct additional housing choices; and while it is not known what will be constructed on the site, the City has no plans to construct any more low income housing, whether it be at the Countryside location or any other location. She stated that the City of Roanoke has more than an adequate**

**supply of low income housing and bears a disproportionate share of low income housing as compared to other jurisdictions in the Roanoke Valley.**

**File #132-175-184-525**

**CERTIFICATION OF CLOSED SESSION. (5-0, Mayor Harris and Council Member Lea were absent.)**

**Angela Holland was appointed as a member of the Human Services Advisory Board to fill the unexpired term of H. Clarke Curtis, resigned, ending November 30, 2007.**

**File #15-110-318**

**Wyona Lynch-McWhite was appointed as a member of the Roanoke Arts Commission for a term ending June 30, 2008.**

**File #15-110-230**

**THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.**



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**AUGUST 15, 2005  
7:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**Call to Order -- Roll Call. Mayor Harris was absent.**

The Invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

Welcome. Vice-Mayor Fitzpatrick.

**NOTICE:**

Tonight's Council meeting will be replayed on Channel 3 on Thursday, August 18, 2005, at 7:00 p.m., and Saturday, August 20, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **A. BID OPENING:**

1. Bids for the lease of certain City-owned property located in the Commonwealth Building for office space for a term of up to ten years. **One bid was submitted at 1:48 p.m., however, the deadline for receipt of bids was 12:00 p.m., in the City Clerk's Office. The City Clerk was instructed to return the bid, unopened.**  
**File #166-524**

## **B. PUBLIC HEARINGS:**

1. Proposal of the City of Roanoke to lease City-owned property located in the Commonwealth Building for office space for a term of up to ten years. Darlene L. Burcham, City Manager.  
**The public hearing was not held inasmuch as the sole bid was submitted after the 12:00 p.m. deadline, on Monday, August 15, 2005. (The matter will be readvertised for bids and a public hearing will be held at the regular meeting of Council on Tuesday, September 6, 2005, at 2:00 p.m.)**  
**File #166-373-524**
2. Request of Roanoke Investments Associated, Inc., that proffered conditions presently binding upon a 2.615-acre parcel of land located at 3361 Melrose Avenue, N. W., be amended. Eugene M. Elliott, Jr., Attorney.  
**Adopted Ordinance No. 37157-081505. (6-0)**  
**File #51**
3. Request of Boone Homes, Inc., of Roanoke that proffered conditions presently binding upon a 10.224 acre tract of land located on Franklin Road, S. W., be repealed and replaced with new proffered conditions. Edward A. Natt, Attorney.  
**Adopted Ordinance No. 37158-081505. (6-0)**  
**File #51**



4. Request of Faison–Southern Lane, LLC, and Save–X–2, LLC, to amend and substitute proffered conditions presently binding on ten tracts of land, and to proffer conditions on five tracts of land located on Franklin Road, Southern Lane, Southern Hills Drive, and Griffin Road, S. W. James F. Douthat, Attorney.  
**Adopted Ordinance No. 37159–081505. (6–0)**  
**File #51**
5. Request of Faison–Southern Lane, LLC, and Save–X–2, LLC, that a portion of Southern Lane and Southern Hills Drive, S. W., be permanently vacated, discontinued and closed. James F. Douthat, Attorney.  
**Adopted Ordinance No. 37160–081505. (6–0)**  
**File #514**
6. Request of Star City Gospel Café, Inc., for exemption from local real estate taxation of real property located at 926 Indiana Avenue, N. E. Thomas C. Driver, President.  
**Adopted Ordinance No. 37161–081505. (6–0)**  
**File #79**
7. Request of the City of Roanoke that a portion of Salem Avenue, S. W., adjacent to Official Tax No. 1010106, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager.  
**Adopted Ordinance No. 37162–081505. (6–0)**  
**File #514**
8. Proposed conveyance of certain City–owned property located on Salem Avenue, S. W., to the Times World Corporation, in exchange for certain property owned by the Times World Corporation located on Campbell Avenue, S. W., in connection with future development of a downtown parking garage. Darlene L. Burcham, City Manager.  
**Adopted Ordinance No. 37163–081505. (6–0)**  
**File #2–166–553**
9. Proposed lease of City–owned property located at 111 – 117 Church Avenue, S. W., to Carilion Biomedical Institute for office space for a period of one year. Darlene L. Burcham, City Manager.  
**Adopted Ordinance No. 37164–081505. (6–0)**  
**File #166–221–544**

10. Proposed conveyance of an easement across City-owned property located adjacent to Riverland Road, S. E., to Appalachian Power Company for relocation of an existing overhead power line and related facilities, in connection with the Roanoke River Flood Reduction Project. Darlene L. Burcham, City Manager.  
**Adopted Ordinance No. 37165-081505. (6-0)**  
**File #28-29**

## **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Obediah Overstreet, 3203 King Street, N. E., expressed concern with regard to the City's lack of maintenance of a bridge/guard rail located in the vicinity of his home. He stated that he was advised by the City that it is the responsibility of the property owner to maintain the property to the curb line. He referred to the deteriorating condition of pine trees that were planted by Virginia Transformer, 220 Glade View Drive, N. E., as a part of the site plan for rezoning that have not been replaced.**

**The Vice-Mayor advised that the concerns would be referred to the City Manager for response.**  
**File #66-183**